

REMARKS

Claims 1, 5, 10, 16-18, 20, 25, 30 and 44-49 are pending.

Claims 1, 5, 10, 16-18, 20, 25, 30 and 44-49 are rejected .

The office action dated Oct. 7, 2008 indicates that claims 1, 5, 10, 20, 25, 30, 44-45, and 47-49 are rejected under 35 USC §103(a) as being unpatentable over Puram U.S. Patent No. 6,289,340 in view of Stimac U.S. Publication No. 2003/0071852 and McCall U.S Publication No. 2002/0059228, and that claims 16-18 and 20 are rejected under 35 USC §103(a) as being unpatentable over Puram in view of Stimac, McCall and Herz U.S. Patent No. 6,029,195. These rejections have been rendered moot by the amendments above to base claims 1, 48 and 49, which now recite the subject matter of claim 46, now cancelled.

The office action further indicates that the subject matter of claim 46 is unpatenatable over Puram in view of Stimac, McCall and Linz U.S. Publication No 2001/0032112. We respectfully disagree.

Amended base claims 1, 48 and 49 recite conducting an inline interview and thereafter counting keywords to provide validation of the interview. Linz discloses a system for scheduling meetings such as job interviews over the internet (paragraph 2). Linz's system gives more favorable treatment to job applicants whose resumes use certain keywords (paragraph 22). Linz does not teach or suggest validating an inline interview, let alone counting keywords to provide validation.

Thus, the combined teachings of Puram, Stimac, McCall and Linz would not produce a method having all of the features of claim 1, or a computer having all of the features of claim 48, or an article having all of the features of claim 49. Accordingly, base claims 1, 48 and 49 and their dependent claims should be allowed over the combination of Puram, Stimac, McCall and Linz.

The office action also rejects the method claims (1, 5, 10, 16-18, 20, 25, 30 and 44-46) under 35 USC §101 as being directed to nonstatutory subject matter. This rejection has been rendered moot by the amendment above to base claim 1, which now recites that the inline test is conducted by using a computer. Because claim 1 is now tied to a machine ( a computer), it pass the “machine-or-transformation” test for subject matter eligibility of a claimed process as set forth in *In re Bilski*.

The office action raises an objection to the specification because “keywords” is misspelled at page 9, line 27, and it raises an objection to claim 44 for repeating “and asked.” These typographical errors have been corrected by the amendments above. The examiner is thanked for pointing out the typographical error.

The office action further objects to the specification for not supporting claim language “efficiency” with skills. This objection has been overcome by amending claims 1, 44, 48 and 49 to recite “experience” instead of “efficiency.”

The office action rejects all pending claims under 35 USC §112, first paragraph, as failing to comply with the written description requirement because the specification does not describe ranking of “efficiency.” This rejection has been rendered moot by the amendments above. Ranking “efficiency” has been changed to ranking “experience” in claims 1, 44, 48 and 49. Paragraph 22 of the PG Pub describes ranking experience with skills. Therefore, the ‘112 rejection should be withdrawn.

The office action rejects claims 16-18, 20, 45 and 46 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed, since the office action has not established a prima facie case of non-enablement.

MPEP 2164.01 states “even though the statute does not use the term ‘undue experimentation,’ it has been interpreted to require that the claimed invention be

enabled so that any person skilled in the art can make and use the invention without undue experimentation.... Determining enablement is a question of law based on underlying factual findings." MPEP 2164.01(a) sets forth "Undue Experimentation Factors." The office action does not consider any of these factors, or any other factors that might suggest undue experimentation.

Moreover, the office action asserts that the claims at issue can't be practiced by a person skilled in the art because the specification lacks clear guidance. Yet the office action contradicts its own assertions in the '103 rejections (in making the '103 rejections, the office action alleges that the features of claims 16-18, 20, 45 and 46 are all known to a person skilled in the art).

For these reasons, the additional '101 rejections of claims 16-18, 20, 45 and 46 should be withdrawn.

Finally, the office action rejects claims 16-18, 20, 45 and 46 under 35 USC §112, second paragraph. Some of these '112 rejections are believed to have been overcome by the amendments above. The remaining '112 rejections are respectfully traversed.

It is not clear why claim 47 is considered indefinite. Is the office action alleging that an apparatus claim cannot, as a matter of law, depend from a method claim? Clarification is respectfully requested.

It is not clear why claim 16 is considered to be inconsistent with claim 1, why claim 20 is considered to be inconsistent with claim 16, and why claim 45 is considered to be inconsistent with claim 1. Claim 1 is NOT solely directed to the input of the job seeker, and dependent claims can introduce additional terms. As for guidance as to how terms differ, the specification is not the only source of definitions for claim terms. Claim terms can be interpreted according to their ordinary meaning.

The examiner is strongly encouraged to contact the undersigned to discuss any remaining issues prior to mailing another office action.

Respectfully submitted,

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